

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

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MELISSA BASTIAN,

Plaintiff,

-against-

NEW YORK CITY DEPARTMENT OF EDUCATION,

Defendant.

**DECLARATION OF
SEAN R. RENAGHAN IN
SUPPORT OF
DEFENDANT'S MOTION
FOR SUMMARY
JUDGMENT**

13 Civ. 5972 (ALC) (GWG)
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SEAN R. RENAGHAN declares, pursuant to 28 U.S.C. § 1746 and under penalty of perjury, that the following is true and correct:

1. I am an Assistant Corporation Counsel in the office of Zachary W. Carter, Corporation Counsel of the City of New York, attorney for Defendant New York City Department of Education ("DOE")¹ in the above-captioned action. I respectfully submit this declaration in support of defendant's motion for summary judgment.

2. Annexed hereto as Exhibits "A" through "X" are true and correct copies of documents which are relied upon and cited in defendant's memorandum of law, submitted herewith in support of defendants' motion.² All of these documents were produced in the course of discovery in this litigation and/or are otherwise publicly available, with the exception of portions of Exhibit F, which is discussed immediately below in particular detail.

3. The documents and excerpts are as follows:

A. Exhibit A is the Complaint filed on or about August 23, 2013, on behalf of plaintiff ("Ex. A (Compl.)").

¹ Formally, the Board of Education of the City School District of the City of New York.

² The exhibits annexed hereto have been redacted to remove social security numbers and other privileged information, as well as to protect the personal information of witnesses and non-parties to this litigation.

- B. Exhibit B is excerpts from the transcript of the deposition of plaintiff Melissa Bastian, taken in this action on August 11, 2014 and August 28, 2014 (“Ex. B (Pl. Dep.)”).
- C. Exhibit C is excerpts from the transcript of the deposition of witness David Fanning, taken in this action on August 28, 2014 (“Ex. C (Fanning Dep.)”).
- D. Exhibit D is excerpts from the transcript of the deposition of witness Gilberto Garcia, taken in this action on September 3, 2014 (“Ex. D (Garcia Dep.)”).
- E. Exhibit E is excerpts from the transcript of the deposition of witness Henry Rubio, taken in this action on September 3, 2014 (“Ex. E (Rubio Dep.)”).
- F. Exhibit F is the Declaration of Mallory O. Sullivan, dated February 27, 2015 (“Ex. F (Sullivan Decl.)”). Exhibit F includes publicly-available material, including the racial breakdown of the student population at A. Philip Randolph High School, the names of persons who worked at that A. Philip Randolph High School from the 2005-2006 through 2011-2012 school years, and New York State Education Department certification information, and also includes a summary of DOE records regarding the racial self-identification of specific individuals.
- G. Exhibit G is DOE Chancellor’s Regulation A-830 (“Ex. G (DOE Chancellor’s Reg. A-830)”).

- H. Exhibit H is the Plaintiff's Resume ("Ex. H (Pl. Resume)").
- I. Exhibit I is the Plaintiff's Annual Professional Performance Reviews for the 2006-2007 through 2010-2011 School Years ("Ex. I (2007-2011 APPR)").
- J. Exhibit J is a Work Assignment grievance filed by plaintiff, dated March 16, 2008 ("Ex. J (2008 Assignment Grievance)").
- K. Exhibit K is the Work Schedules Produced by Plaintiff, dated March 4, 2008, March 11, 2009, Fall 2010, October 22, 2010, and November 29, 2010 ("Ex. K (Pl. Work Schedules)").
- L. Exhibit L is an Alfred University Counseling Program Supervisor Form, dated September 19, 2008 ("Ex. L (Sept. 2008 Supervisor Form)").
- M. Exhibit M is an e-mail from Plaintiff to Gerasimos Menegatos, dated September 11, 2009 ("Ex. M (Pl. 9/11/09 E-mail)").
- N. Exhibit N is New York State Licensing and DOE employment information for Altagracia Ramirez ("Ex. N (Ramirez Info.)").
- O. Exhibit O is New York State Licensing and DOE employment information for Lauren Casey ("Ex. O (Casey Info.)").
- P. Exhibit P is a Letter of Recommendation from Gerry Menegatos ("Ex. G (Menegatos Recommend.)").
- Q. Exhibit Q is New York State Licensing and DOE employment information for Ezequiel Perez ("Ex. Q (Perez Info.)").

- Dated: New York, New York
February 27, 2015

4